

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DARWIN ALLEN MOODY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 3:05cv988-F
	)	(WO)
CIRCUIT COURT OF LEE COUNTY,	)	
	)	
Defendant.	)	

**ORDER**

There being no objections filed to the Recommendation of the Magistrate Judge (Doc. # 4) filed herein on October 24, 2005, said Recommendation is hereby ADOPTED, and it is the ORDER, JUDGMENT and DECREE of the court that:

1. The claims against the Circuit Court of Lee County, Alabama and the requests for declaratory and injunctive relief are DISMISSED with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(I).
2. The challenge to the criminal charges pending against Moody before the Circuit Court of Lee County, Alabama are DISMISSED without prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii).
3. This case is DISMISSED prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(3)(2)(B)(I) and (ii).

Done this 30<sup>th</sup> day of November, 2005.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE